IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WA.No. 2476 of 2002

AGAINST THE JUDGEMENT IN OP.23546/2002 Dated 20/09/2002

APPELLANT: 3RD RESPONDENT IN O.P:

MANJILLAS FOODTEK PVT. LTD.,
KUNNISSERY P.O., PALAKKAD, REPRESENTED BY ITS
CHAIRMAN AND MANAGING DIRECTOR, RANJI JOHN.

BY ADVS.M/S.P.RAMAKRISHNAN AND A.K.PREETHA

RESPONDENTS: RESPONDENTS 1,2,4 AND PETITIONER IN O.P:

1. DISTRICT LABOUR OFFICER, PALAKKAD.

2. ASSISTANT LABOUR OFFICER, ALATHUR.

3. KERALA HEADLOAD WORKERS WELFARE FUND
BOARD, REPRESENTED BY THE CHAIRMAN,
DISTRICT COMMITTEE, BIG BAZAR, PALAKKAD.

4. M.P.SWAMINATHAN,
S/O. PAZHANIYANDI, POOL LEADER (POOL II),
INTUC OFFICE, NARIPOTTA, KUNISSERI P.O.,
PALAKKAD.

ADDL.RESPONDENT 5 IMPLEADED:

5. THE SUB INSPECTOR OF POLICE, ALATHUR, PALAKKAD,

ADDL.R5 IS IMPLEADED AS PER ORDER DATED 18/2/2003 IN
C.M.P.NO.636/2003 IN W.A.NO.2476/2002

BY ADV. SRI.T.M.SUNIL
SMT.S.CHITHRA
SENIOR GOVERNMENT PLEADER SRI.M.R.SABU
SRI.BABU KARUKAPPADATH, SC,KHLWWB
R3 BY ADV. SRI.KOSHY GEORGE, SC, KHLWWB

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.A. NO. 2476 OF 2002

Dated this the 27th June, 2007

JUDGMENT

H.L.DATTU, C.J.

This writ appeal is filed against the judgment delivered by the learned single Judge in O.P.No.23546 of 2002, dated 20th September, 2002.

2. Ext.P3 is an order passed by the Assistant Labour Officer, Alathur. The said order was questioned by one M.P.Swaminathan, who calls himself as a Pool Leader (Pool II). His grievance before this Court was that Ext.P3 order has been passed without notice to him and the persons interested.

3. Learned single Judge, being of the opinion that Ext.P3 order was passed without notice to the petitioner and other persons interested in the matter, has allowed the Original Petition and has set aside Ext.P3 order and has directed the second respondent to reconsider the matter in accordance with law, after due notice to all the persons interested. Correctness of the said order is the subject matter in this writ appeal.

4. Learned counsel appearing for the appellant would submit

that the learned single Judge was not justified in setting aside Ext.P3 order passed by the Assistant Labour Officer, Alathur. According to the learned counsel, quashing of the said order by this Court would affect his interest for the reason that those workers who were already registered with him will be affected by the impugned judgment delivered by the learned single Judge.

5. We find some merits in the contentions canvassed by learned counsel for the appellant in so far as the grievance made out by him in this writ appeal.

6. On the merits of the case, we are of the opinion that learned single Judge has not done anything else in the matter except setting aside Ext.P3 order only on the ground that the petitioner in the Original Petition was not heard in the matter.

7. While sustaining the order passed by the learned single Judge, in our opinion, if we order that whatever arrangement that was being done by the employer will continue till an appropriate order is passed by the second respondent as ordered by this Court, no prejudice would be caused to any one of the parties. Therefore, the following:

O R D E R

i) The writ appeal is disposed of.

ii) The second respondent is directed to reconsider the whole issue as directed by the learned single Judge while disposing of O.P.No.23546 of 2002 on 20th September, 2002.

iii) Whatever arrangement that exists as on today in the appellant industry will continue till an order is passed by the second respondent, namely, Assistant Labour Officer, Alathur.

In view of the order passed in the writ appeal, C.M.P.Nos.6531 of 2002 and 637 of 2003 are dismissed.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/